

**Senate File 277 - Introduced**

SENATE FILE 277  
BY BOLKCOM

**A BILL FOR**

1 An Act relating to an agreement among the states to elect the  
2 president by national popular vote and including effective  
3 date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 50.45, Code 2011, is amended to read as  
2 follows:

3 **50.45 Canvass public — result determined.**

4 1. All canvasses of tally lists shall be public, and the  
5 persons having the greatest number of votes shall be declared  
6 elected, except that in any year in which the appointment of  
7 presidential electors is governed by the national popular vote  
8 compact set forth in section 54.10, the persons that shall be  
9 declared elected to the position of presidential elector shall  
10 be the persons specified in the national popular vote compact.

11 2. When a public measure has been submitted to the electors,  
12 the proposition shall be declared to have been adopted if  
13 the vote cast in favor of the question is greater than fifty  
14 percent of the total vote cast in favor and against the  
15 question, unless laws pertaining specifically to the public  
16 measure election establish a higher percentage of a favorable  
17 vote. All ballots cast and not counted as a vote in favor or  
18 against the proposition shall not be used in computing the  
19 total vote cast in favor and against the proposition.

20 Sec. 2. NEW SECTION. **54.10 Agreement among the states to**  
21 **elect the president by national popular vote.**

22 The agreement among the states to elect the president by  
23 national popular vote may be cited as the "*National Popular Vote*  
24 *Compact*". The national popular vote compact is entered into  
25 and enacted into law with each other state that has enacted the  
26 compact in substantially the following form:

27 *1. Article I — Membership.* Any state of the United States  
28 and the District of Columbia may become a member of this  
29 agreement by enacting this agreement.

30 *2. Article II — Right of the people in member states to*  
31 *vote for president and vice president.* Each member state shall  
32 conduct a statewide popular election for president and vice  
33 president of the United States.

34 *3. Article III — Manner of appointing presidential electors*  
35 *in member states.*

1     a. Prior to the time set by law for the meeting and voting  
2 by the presidential electors, the chief election official of  
3 each member state shall determine the number of votes for each  
4 presidential slate in each state of the United States and in  
5 the District of Columbia in which votes have been cast in a  
6 statewide popular election and shall add such votes together to  
7 produce a "*national popular vote total*" for each presidential  
8 slate.

9     b. The chief election official of each member state shall  
10 designate the presidential slate with the largest national  
11 popular vote total as the "*national popular vote winner*".

12     c. The presidential elector certifying official of each  
13 member state shall certify the appointment in that official's  
14 own state of the elector slate nominated in that state in  
15 association with the national popular vote winner.

16     d. At least six days before the day fixed by law for the  
17 meeting and voting by the presidential electors, each member  
18 state shall make a final determination of the number of popular  
19 votes cast in the state for each presidential slate and shall  
20 communicate an official statement of such determination within  
21 twenty-four hours to the chief election official of each other  
22 member state.

23     e. The chief election official of each member state shall  
24 treat as conclusive an official statement containing the number  
25 of popular votes in a state for each presidential slate made by  
26 the day established by federal law for making a state's final  
27 determination conclusive as to the counting of electoral votes  
28 by Congress.

29     f. In event of a tie for the national popular vote winner,  
30 the presidential elector certifying official of each member  
31 state shall certify the appointment of the elector slate  
32 nominated in association with the presidential slate receiving  
33 the largest number of popular votes within that official's own  
34 state.

35     g. If, for any reason, the number of presidential electors

1 nominated in a member state in association with the national  
2 popular vote winner is less than or greater than that state's  
3 number of electoral votes, the presidential candidate on  
4 the presidential slate that has been designated as the  
5 national popular vote winner shall have the power to nominate  
6 the presidential electors for that state and that state's  
7 presidential elector certifying official shall certify the  
8 appointment of such nominees.

9     *h.* The chief election official of each member state shall  
10 immediately release to the public all vote counts or statements  
11 of votes as they are determined or obtained.

12     *i.* This article shall govern the appointment of presidential  
13 electors in each member state in any year in which this  
14 agreement is, on July 20, in effect in states cumulatively  
15 possessing a majority of the electoral votes.

16     4. *Article IV — Other provisions.*

17     *a.* This agreement shall take effect when states cumulatively  
18 possessing a majority of the electoral votes have enacted this  
19 agreement in substantially the same form and the enactments by  
20 such states have taken effect in each state.

21     *b.* Any member state may withdraw from this agreement, except  
22 that a withdrawal occurring six months or less before the  
23 end of a president's term shall not become effective until a  
24 president or vice president shall have been qualified to serve  
25 the next term.

26     *c.* The chief executive of each member state shall promptly  
27 notify the chief executives of all other states of when  
28 this agreement has been enacted and has taken effect in that  
29 official's state, when the state has withdrawn from this  
30 agreement, and when this agreement takes effect generally.

31     *d.* This agreement shall terminate if the electoral college  
32 is abolished.

33     *e.* If any provision of this agreement is held invalid, the  
34 remaining provisions shall not be affected.

35     5. *Article V — Definitions.* For purposes of this

1 agreement:

2     *a. "Chief election official"* shall mean the state official  
3 or body that is authorized to certify the total number of  
4 popular votes for each presidential slate.

5     *b. "Chief executive"* shall mean the governor of a state of  
6 the United States or the mayor of the District of Columbia.

7     *c. "Elector slate"* shall mean a slate of candidates who  
8 have been nominated in a state for the position of presidential  
9 elector in association with a presidential slate.

10     *d. "Presidential elector"* shall mean an elector for  
11 president and vice president of the United States.

12     *e. "Presidential elector certifying official"* shall mean  
13 the state official or body that is authorized to certify the  
14 appointment of the state's presidential electors.

15     *f. "Presidential slate"* shall mean a slate of two persons,  
16 the first of whom has been nominated as a candidate for  
17 president of the United States and the second of whom has been  
18 nominated as a candidate for vice president of the United  
19 States, or any legal successors to such persons, regardless of  
20 whether both names appear on the ballot presented to the voter  
21 in a particular state.

22     *g. "State"* shall mean a state of the United States and the  
23 District of Columbia.

24     *h. "Statewide popular election"* shall mean a general  
25 election in which votes are cast for presidential slates by  
26 individual voters and counted on a statewide basis.

27

#### EXPLANATION

28     This bill creates a compact for the state of Iowa whereby  
29 the state agrees to certify its electors for president of the  
30 United States based on the national popular vote for president,  
31 rather than on the popular vote for president within the state.  
32 The agreement is cited in the bill as the "National Popular  
33 Vote Compact". To take effect, the compact must be enacted by  
34 any number of states whose electoral votes, in the aggregate,  
35 constitute a majority of the entire number of electoral votes

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1 nationally. The compact provides that any member state may  
2 withdraw from the compact. However, if a withdrawal occurs  
3 six months or less before the end of a president's term,  
4 the withdrawal shall not take effect until a president has  
5 qualified to serve the next term.